

Prosecution Frequently Asked Questions

Last Updated Tuesday, 21 March 2006

- I received a ticket, do I have to appear at Court or can I just mail in the fine?

If your ticket is marked as a "mail-in" on the front top of the ticket, you may just mail in the amount noted as the mail-in fine. Please read the back of your ticket carefully and follow the instructions printed on it. If you have any questions, you can call the Municipal Court at (303) 441-1842.

- I received a ticket but I don't live in Colorado so I won't be able to appear in Court. What can I do?

If your ticket is marked as a mail-in ticket, you can follow the instructions on the back of your ticket and just mail in the fine.

If your ticket is marked as "not a mail-in", you must send in a written request to be allowed to plead guilty by mail. Include in your request the ticket number as well as a current address and phone number where you can be reached. Send your request to:

City of Boulder
City Attorney's Office, Prosecution Division
Post Office Box 8015
Boulder, Colorado 80306

When the request is received, a Motion to the Court will be made asking the Court to allow you to plead guilty by mail and pay a fine. If the Motion is approved by the Court, you will receive a copy of the Motion from the Court. You will need to sign the Motion and pay the fine by the date noted in the Motion.

Please note that you may not plea bargain by mail - you may only plead guilty. If you want to try to plea bargain your case, you must appear in Court or contact a private attorney to appear in your absence.

- Can I speak with a Prosecuting Attorney before I come to Court?

Are you a defendant, a witness, or a victim?

If you are a defendant with a traffic ticket, it is necessary to wait for the date written on the ticket before speaking to a Prosecuting Attorney. When you appear in Court, you will be advised by the Judge of your legal rights. You will then have an opportunity to speak with a Prosecuting Attorney regarding your case.

If you are a witness or a victim, you may call the Prosecution Division of the City Attorney's Office at (303) 441-3025.

- What is an arraignment?

This is the first court appearance for any traffic or other municipal code violation. At this hearing, the Municipal Court Judge will hear all cases scheduled for that day's docket. Defendants appearing that day will be advised of their rights and given the opportunity to plead guilty or not guilty and to discuss their cases with a Prosecuting Attorney or Attorney's assistant.

One of the Prosecuting Attorneys reviews all traffic tickets before the arraignment date and makes a plea bargain offer in writing where appropriate. At your arraignment, you may accept this offer, enter your plea and pay the fine and costs assessed. If you do not wish to accept the plea offer, you may speak with a Prosecuting Attorney to discuss your case. Please be advised that the pre-screened offer is almost always the best offer that will be made by a Prosecuting Attorney and will not be changed.

Each defendant who has met with a Prosecuting Attorney or Attorney's assistant will then return before the Municipal Court Judge and enter a plea of guilty or not guilty. Those entering guilty pleas will be assessed court fees and fines, pay for any damages caused by their actions, and their case will be at an end.

Those entering not guilty pleas will be assigned another court date for a trial of their case.

- Do I need to bring an attorney with me to my arraignment?

An attorney is generally not needed at an arraignment, although this is a decision which can only be made by each individual. If the individual has a concern, a private attorney should be contacted.

- What is a disposition ("dispo")?

A disposition is a final resolution of a case. You must appear in Court before the Judge. It may include an agreed upon plea and sentence negotiated between a Prosecuting Attorney and a Defendant. All dispositions must be approved by a Judge in open court.

A disposition date is set by the Municipal Court and can only be changed by the Court, (303) 441-1842.

- What is a pretrial conference?

A pretrial conference is a meeting between a Prosecuting Attorney and a defendant and/or his/her attorney to discuss the case and the possibility of a plea agreement. A pretrial conference can be held on the day of defendant's arraignment after defendant has been advised by the Court of legal rights. If a defendant has an attorney, the attorney can call and schedule a pretrial conference at a time other than the day of arraignment.

In some complex cases, a second appointment may be made for a conference at a later date.

- I received a waiver of personal service and a subpoena in the mail, what are my options, and who can I call if I have questions about this?

The subpoena waiver is mailed to all prosecution witnesses needed to appear at a trial in Boulder Municipal Court. It is important that the signed subpoena waiver be mailed back as soon as possible. You will then be legally required to appear as a witness at trial. If the waiver is signed and returned in the stamped envelope provided, you will not have to be personally served. The name of the defendant, the date and time of the trial are noted in the subpoena waiver.

Options:

- * Sign and return subpoena waiver as soon as possible. Appear in court on the trial date to testify.
 - * Do not sign or return waiver. If not returned within seven days before trial, a police officer or process server may be sent to your home or business to personally serve your subpoena.
 - * Call the Prosecution Division of the City Attorney's Office at (303) 441-3025 for more information.
- I missed my Court date. What do I do now?

What type of Court date did you miss?

- * If you missed your arraignment date (first court appearance on a ticket), please call the Court at (303) 441-1842.
- * If you missed a disposition, please call the Court at (303) 441-1842.
- * If you missed your trial, please call the Court at (303) 441-1842.
- * If you missed a pretrial conference with a Prosecuting Attorney, please call the Prosecution Division of the City Attorney's Office at (303) 441-3025. If you also had a disposition set for the same day and missed it as well, you must call the Court first.